

Calendar No. 201

106TH CONGRESS }
1st Session

SENATE

{ REPORT
106-104

LOOK, LISTEN, AND LIVE STAMP ACT

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TOGETHER WITH

MINORITY VIEWS

TO ACCOMPANY

S. 712

TO AMEND TITLE 39, UNITED STATES CODE, TO ALLOW POSTAL PATRONS TO CONTRIBUTE TO FUNDING FOR HIGHWAY-RAIL GRADE CROSSING SAFETY THROUGH THE VOLUNTARY PURCHASE OF CERTAIN SPECIALLY ISSUED UNITED STATES POSTAGE STAMPS



JULY 8, 1999.—to be printed

Filed under authority of the order of the Senate of June 29, 1999

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LOOK, LISTEN, AND LIVE STAMP ACT

JULY 8, 1999.—Ordered to be printed

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Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany S. 712]

The Committee on Governmental Affairs, to which was referred the bill (S. 712) to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

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I. PURPOSE

The purpose of S. 712, the “Look, Listen, and Live Stamp Act” is to direct the United States Postal Service to establish a specially-issued postage stamp to allow postal patrons the opportunity to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of these stamps.

II. BACKGROUND

S. 712 would authorize the U.S. Postal Service to establish a special-rate postage stamp, commonly known as a “semi-postal” stamp, to promote highway-rail grade crossing safety.

There are approximately 150,000 public crossings in the U.S. today, the majority of which are equipped with only passive warning devices. In 1998, there were 3,446 grade-crossing collisions involving motor vehicles resulting in 1,950 serious injuries and 422 deaths.

These grade-crossing deaths are preventable. Unfortunately, the cost of separating or eliminating all of these crossings would impose tremendous costs on railways and railway users as well as Federal, state, and local governments. While all these entities are working to reduce the number of grade-crossings and improving safety features at others, the process will take decades to complete.

The intent of this semi-postal stamp is to provide funding to enhance public safety by educating citizens on the hazards and proper methods for crossing a railroad track. The stamp and its display are intended to serve as a reminder and heighten public awareness for the need to exercise safety when crossing a railroad track. The proceeds from the revenues generated through the sale of the stamp would provide an additional source of revenue to the Department of Transportation to fund Operation Lifesaver programs. Operation Lifesaver is a non-profit, nationwide public education program dedicated to reducing collisions, injuries, and fatalities at intersections where roadways meet railways and along railroad rights-of-way. Operation Lifesaver currently is authorized to receive federal funding in the amount of \$500,000 annually through 2003.

Specifically, the bill authorizes the U.S. Postal Service to sell this semi-postal stamp at a rate not to exceed 25 percent above the regular rate of the first-class postage stamp. The purchase and use of these stamps would be voluntary. The amounts received by the Postal Service from the sale of such stamps, after the deduction of any additional administrative expenses associated with the production, sale, and purchase of these stamps, would be paid in semi-annual payments to the Department of Transportation for Operation Lifesaver.

The bill expresses the sense of Congress that the proceeds should not cause a decrease in other federal funding for Operation Lifesaver or affect regular postage rates. The semi-postal stamps would be made available to the public within 12 months of enactment. The Postal Service’s annual report is to provide information concerning the amount of proceeds and administrative expenses. The stamp would be issued for a period of two years.

The “Look, Listen, and Live” semi-postal stamp would be the second semi-postal stamp authorized by Congress. Currently, the Postal Service has available for public sale the “Breast Cancer Research” stamp. This stamp was authorized pursuant to P.L. 105-41 and directed the Postal Service to issue a special postage stamp at a rate not to exceed 25 percent of the price of the first-class stamp, with the additional revenues, less administrative costs, being contributed to the National Institutes of Health and the De-

partment of Defense for breast cancer research. The Postal Service reports that as of June 1999, it had issued payments to the National Institutes of Health and the Department of Defense, totaling more than \$6.9 million, after withholding nearly \$200,000 for expenses. P.L. 105-41 requires the Postal Service to recoup its costs associated with the printing, sale and distribution of the "Stamp Out Breast Cancer Stamp" and the Committee expects the Postal Service to adhere to this requirement. This semi-postal stamp was issued in July 1998 for a period of two years. The legislation further required the General Accounting Office to report on the operations of the Postal Service in offering this semi-postal stamp by July 2000.

The Committee is aware of the increased interest in semi-postal stamps and their potential for fundraising for charitable purposes. However, the Committee hopes to defer further consideration of legislation authorizing semi-postal stamps until Congress has had the opportunity to evaluate the reports by the General Accounting Office on the operations of the "Look, Listen, and Live Stamp" and the "Stamp Out Breast Cancer Act."

III. LEGISLATIVE HISTORY

S. 712 was introduced on March 24, 1999 by Senator Lott, for himself, and Senators Hutchison, Breaux and Wyden and referred to the Committee on Governmental Affairs. On April 2, 1999, the bill was referred to the Subcommittee on International Security, Proliferation, and Federal Services.

On May 10, 1999, the Subcommittee on International Security, Proliferation, and Federal Services reported S. 712 to the Full committee by polling letter. On May 20, the Committee held a business meeting at which S. 712 was considered.

During discussion on the bill, Senator Stevens stated his intention to offer modifications to the bill, but the text of his proposal was not available at the time of the markup. Senator Stevens stated he would offer his amendment when the legislation is brought up for consideration by the full Senate.

Following further discussion on the bill, the Committee ordered S. 712 to be favorably reported without amendment by a vote of 14 Yeas (Senators Roth, Stevens, Collins, Voinovich, Domenici, Cochran, Specter, Gregg, Lieberman, Akaka, Durbin, Cleland, Edwards and Thompson) to 2 Nays (Senators Levin and Torricelli).

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Provides the citation, "Look, Listen, and Live Stamp Act."

Section 2(a). Would add a new section 414a to title 39, United States Code, directing the Postal Service to issue special postage stamps to afford the public a convenient opportunity to contribute to funding for highway-rail grade crossing safety. The rate of first-class postage for such stamps would be not more than 25 percent above the regular rate, and the use of such stamps would be voluntary. The amount received by the Postal Service from the sale of such stamps, after the deduction of expenses, would be paid in semiannual payments to the Department of Transportation for Op-

eration Lifesaver. The bill expresses the sense of Congress that the proceeds should not cause a decrease in funding for Operation Lifesaver or affect regular postage rates. The special postage stamps would be made available to the public within 12 months of enactment. The Postal Service's annual report is to provide information on the amount of proceeds and administrative expenses. The new section 414a would cease to be effective two years after the special stamps first become available to the public.

Section 2(b). Would require the Comptroller General to report to Congress no later than three months before the end of the two-year sale period regarding the effectiveness and appropriateness of this method of fundraising and regarding the monetary and other resources required of the Postal Service in carrying out this program.

Section 2(c). Would update the table of sections of title 39, United States Code, accordingly.

V. REGULATORY IMPACT STATEMENT

Enactment of this legislation will have no significant regulatory impact. S. 712 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the budgets of state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 1999.

Hon. FRED THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 712, the Look, Listen, and Live Stamp Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 712—Look, Listen, and Live Stamp Act

CBO estimates that enacting S. 712 would result in changes in direct spending of less than \$1 million in each of fiscal years 2000 through 2003 and a net change of zero over the 2000–2003 period. Because enactment of the bill would affect direct spending, pay-as-you-go procedures would apply. Implementing this legislation also would increase discretionary spending by about \$250,000 over the 2001–2002 period, assuming appropriation of the necessary amounts. S. 712 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and

would impose no costs on the budgets of state, local, or tribal governments.

S. 712 would direct the United States Postal Service to issue a special postage stamp for first-class mail that would cost participating customers up to 25 percent above the regular rate. Any amounts collected from the special stamp (called a semipostal), after accounting for the Postal Service's administrative costs, would be paid to the Department of Transportation (DOT) for safety programs for highway-rail grade crossings. The Postal Service would have 12 months after enactment to make the semipostal available to the public, and the program would terminate two years thereafter. In addition, the bill would direct the General Accounting Office (GAO) to prepare a report on this semipostal program.

Payments of amounts above the regular first-class postage rate (currently 33 cents) would constitute a donation to the federal government and would normally be classified as governmental receipts. The surcharges on the breast cancer semipostal issued in 1998, however, were treated as offsetting collections, that is, negative outlays. Assuming enactment of S. 712 near the end of fiscal year 1999, CBO expects that the semipostal would not be available for sale until late in fiscal year 2000. Therefore, CBO estimates that any changes in offsetting collections would be less than \$500,000, in fiscal year 2000. We estimate that the increase in such collections would be about \$1 million in each of 2001 and 2002. Spending of such collections, including anticipated spending by the DOT, would be less than \$500,000 in fiscal years 2000 and 2001, about \$1 million in 2002, and less than \$500,000 in 2003. The changes in spending would equal the changes in collections over the 2000–2003 period but generally would occur somewhat later. Net outlays over the 2000–2003 period would be zero.

S. 712 would direct GAO to prepare a report on the semipostal's effectiveness as a fundraising tool and on its financial impact on the Postal Service. Based on information from GAO, we estimate that the report would cost about \$250,000 over the fiscal years 2001 and 2002, assuming appropriation of the necessary amounts.

Because cash flows of the Postal Service are categorized as off-budget, only the spending by DOT under S. 712 would be subject to pay-as-you-go procedures. The only year in which such spending would not be less than \$500,000 is fiscal year 2002. The bill's pay-as-you-go effects are summarized in the following table.

	By fiscal year, in millions of dollars					
	1999	2000	2001	2002	2003	2004
Changes in outlays	0	0	0	1	0	0
Changes in receipts			Not applicable			

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

VII. EXECUTIVE COMMUNICATIONS

In an effort to develop a full and complete record on semi-postal stamps, the Committee requested the views of Postmaster General William Henderson on S. 712, as well as preliminary information

on the revenues and costs associated with the sale and distribution of the "Stamp Out Breast Cancer" semi-postal stamp. The following letter by Postmaster General William Henderson is in response to this request.

U.S. POSTAL SERVICE,
Washington, DC, June 25, 1999.

Hon. FRED THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your June 11 letter, cosigned by Senators Cochran, Lieberman, and Akaka, concerning information regarding the breast cancer research semipostal stamp.

I appreciate your interest in the status of the breast cancer stamp. As you know, on August 13, 1997, the President signed into law the Stamp Out Breast Cancer Act that mandated the Postal Service to issue within 12 months a special first-class postage stamp with a differential, not to exceed 25 percent or 8 cents. To date, over 92 million of the breast cancer semipostal stamps have been sold.

While the Postal Service has developed guidelines for tracking costs, we have not yet fully defined which incremental costs associated with the stamp will be offset against revenue. We have, however, issued payments to the National Institutes of Health (NIH) and the Department of Defense (DOD), as intended by the law, totaling over \$6.9 million, after withholding nearly \$200 thousand for expenses.

In accordance with our memoranda of understanding with NIH and DOD, payments are made semi-annually. Two payments have been made to date, November 1998 and April 1999. Three additional payments are scheduled, on or before November 1999, on or before April 15, 2000, and a final payment within 120 days subsequent to July 29, 2000.

Total printing costs, to date, equal about \$2.1 million. In addition, packaging costs for vending machines and other specialized sales venues was about \$786,000. Further costs may be forthcoming.

The Postal Service faced several challenges in meeting the legislatively mandated one-year lead time. Our Stamp Services Department normally completes the design and development of our annual program two to three years prior to the year in which it is issued. Accordingly, there were logistical issues associated with the shortened lead time.

In addition, we had to determine to what extent the vehicles through which we would advertise this stamp, and what type of partnering/sponsorship opportunities were appropriate. Further, we needed to redesign and reprogram our accounting systems to track the sales of the Breast Cancer Research Stamp separate from the sales of other issues. It was also necessary to train clerk and carrier personnel regarding the purpose and special nature of the stamp.

However, as the Congress expressed itself so strongly on this issue, the Postal Service has enthusiastically embraced the breast cancer semipostal stamp. To ensure the success of stamp sales, the

Postal Service developed a comprehensive advertising and promotions plan to support the national launch of the Breast Cancer Research Stamp. The promotional initiatives include post office sales kits, television/radio interviews, a video news release featuring First-Day-of-Issue ceremony, postal communications to all our employees, and press kits to major media and health organizations.

With regard to S. 712, the Stop, Listen and Live Stamp Act, the Postal Service would prefer that no additional semipostal stamps be authorized until the sales period of the Breast Cancer Research Stamp has expired and GAO has completed its audit. We are concerned that a competing semipostal stamp would have a negative effect on sales and ultimate success of the Breast Cancer Research Stamp. We believe the success and cost of the stamp should be fully evaluated before another semipostal stamp is authorized in order to determine the value this type of stamp brings to charitable fundraising.

Thank you for the opportunity to clarify our position on this issue. If I may be of assistance in other postal matters, please let me know.

Sincerely,

WILLIAM J. HENDERSON.

VIII. MINORITY VIEWS OF SENATOR LEVIN

For over 40 years, the U.S. Postal Service has relied on the Citizens' Stamp Advisory Committee (CSAC) to review and select stamp subjects that are interesting and educational. CSAC chooses the subjects of U.S. stamps using as its criteria, 12 major guidelines, established about the time of the Postal Reorganization Act. These 12 criteria for stamp subject selection have guided the CSAC in its decisionmaking function for decades.

The tenth criteria guiding CSAC's subject selection makes reference to semi-postal stamps, the type of stamp that the Postal Service would be required to issue if the Look, Listen, Live Stamp Act were enacted. With respect to semi-postals, the guidelines state, "Stamps or postal stationary items with added values, referred to as 'semi-postals,' shall not be issued. Due to the vast number of worthy fund-raising organizations in existence, it would be difficult to single out specific ones to receive such revenue. There also is a strong U.S. tradition of private fund-raising for charities, and the administrative costs involved in accounting for sales would tend to negate the revenues derived." This position was also reflected in the June 15, 1999 letter from Postmaster General William Henderson. The Postmaster General stated that the Postal Service has made it a policy not to issue any stamp with a surtax on the regular postage rate with the extra revenue earmarked for a designated charity because it would be too difficult to choose one particular organization or cause over another and because it would be perceived as a public solicitation or intrusion.

Congress has mandated the issuance of a semi-postal stamp only once before. The Breast Cancer Research semi-postal stamp, was authorized by Congress in 1997 and was issued by the Postal Service in July of 1998 for a two-year period. At the end of this period, the stamp will be subject to evaluation by GAO, for purposes of determining the effectiveness and the appropriateness of the stamp as a means of fundraising, and for identifying the costs incurred by the Postal Service in carrying out the Breast Cancer Research stamp.

The Breast Cancer Research Stamp has not even completed its first year. Congress should, at minimum, wait until the two-year period for the Breast Cancer Research Stamp has expired, and the GAO has prepared a tally of which costs associated with the stamp will be offset by revenue. In addition, even with information on the Breast Cancer stamp, the results of the two stamps may not be comparable, because it is very possible that the Look, Listen and Live Stamp will not generate the same amount of support. Breast cancer is an affliction that kills some 44,000 women a year and affects millions of women and their families. Although highway-rail grade crossing accidents are a serious transportation safety prob-

lem and tragically claim the lives of hundreds each year, they may not generate the same amount of public concern and support.

In his June 15, 1999 letter, the Postmaster General stated, "With regard to S. 712, the Stop, Listen and Live Stamp Act, introduced by Senator Lott, the Postal Service would prefer that no additional semipostal stamps be authorized until the sales period of the Breast Cancer Research Stamp has expired and GAO has completed its audit. We are concerned that a competing semipostal stamp would have a negative effect on sales and ultimate success of the Breast Cancer Research Stamp. We believe the success and cost of the stamp should be fully evaluated before another semipostal stamp is authorized in order to determine the value this type of stamp brings to charitable fundraising."

There are additional concerns. There are already four semi-postal bills pending, one that would generate funds for diabetes research, another for Alzheimer's research, and the third for AIDS research and education. If Congress passes S. 712, there's no telling how many semi-postal stamps will be issued. Congress and the Postal Service should be careful before going down that path. Fundraising for charitable causes is a great American tradition, and one that Congress should and does support. However, the process for stamp selection, which was created as an effort to remove politics from stamp issuance, should remain separate.

Finally, I am concerned that the proceeds under the bill are turned over to a private organization. As fine an organization as Operation Lifesaver no doubt is, it is unwise for the Postal Service to collect funds for a private organization, even a nonprofit one. In the battle against diseases and in many other causes, there are often competing nonprofit organizations. We should not be selecting private groups for the receipt of federal funds without some criteria.

CARL LEVIN.

U.S. POSTAL SERVICE,
Washington, DC, June 15, 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This is in response to your May 11 letter concerning information regarding the breast cancer research semipostal stamp.

As you know, on August 13, 1997, the President signed into law the Stamp Out Breast Cancer Act that mandated the Postal Service to issue within 12 months a special first-class postage stamp with a differential, not to exceed 25 percent or 8 cents. On July 29, 1998, the stamp was issued and will be available to the public for two years. The Act provides that before the end of the two-year period, the General Accounting Office will perform an audit on the Breast Cancer Research Stamp operation.

The Postal Service historically believed that as America already has a philanthropic tradition unmatched by other nations, semipostals would be perceived as yet another solicitation and a public intrusion in an area where private initiative and generosity have had very beneficial results. We also believed that were the Postal Service to issue semipostal stamps, either we or the Con-

gress would be placed in the very difficult position of determining which organizations should be funded and which should not.

However, as the Congress expressed itself so strongly on this issue, the Postal Service has enthusiastically embraced the breast cancer semipostal stamp. To ensure the success of stamp sales, the Postal Service developed a comprehensive advertising and promotions plan to support the national launch of the Breast Cancer Research Stamp. The promotional initiatives include post office sales kits, television/radio interviews, a video news release featuring First Day of Issue ceremony, postal communications to all our employees, and press kits to major media and health organizations. To date, over 92 million of the breast cancer semipostal stamps have been sold.

While the Postal Service has developed guidelines for tracking costs, we have not yet fully defined which incremental costs associated with the stamp will be offset against revenue. We have, however, issued payments to the National Institutes of Health and Department of Defense, as intended by the law, totaling over \$6.9 million, after expenses.

With regard to S. 712, the Stop, Listen, and Live Stamp Act, introduced by Senator Lott, the Postal Service would prefer that no additional semipostal stamps be authorized until the sales period of the Breast Cancer Research Stamp has expired and GAO has completed its audit. We are concerned that a competing semipostal stamp would have a negative effect on sales and ultimate success of the Breast Cancer Research Stamp. We believe the success and cost of the stamp should be fully evaluated before another semipostal stamp is authorized in order to determine the value this type of stamp brings to charitable fundraising.

Thank you for the opportunity to clarify our position on this issue. If I may be of assistance in other postal matters, please let me know.

Sincerely,

WILLIAM J. HENDERSON.

IX. CHANGES TO EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 712 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in *roman*):

TITLE 39—POSTAL SERVICE

PART I—GENERAL

CHAPTER 4—GENERAL AUTHORITY

§ 414. Special postage stamps

* * * * *

§414a. *Special Postage stamps for highway-rail grade crossing safety*

(a) *In order to afford the public a convenient way to contribute to funding for highway-rail grade crossing safety, the Postal Service shall establish a special rate of postage for first-class mail under this section.*

(b) *The rate of postage established under this section—*

(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

(3) shall be offered as an alternative to the regular first-class rate of postage.

(c) *The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.*

(d)(1) *Amounts becoming available for highway-rail grade crossing safety under this section shall be paid by the Postal Service to the Department of Transportation for Operation Lifesaver. Payments under this section shall be made under such arrangements as the Postal Service shall by mutual agreement with the Department of Transportation establish in order to carry out the purposes of this section, except that, under those arrangements, payments to the Department of Transportation shall be made at least twice a year.*

(2) *For purposes of this section, the term “amounts becoming available for highway-rail grade crossing safety under this section” means—*

(A) The total amounts received by the Postal Service that the Postal Service would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section, as determined by the Postal Service under regulations that it shall prescribe.

(e) It is the sense of Congress that nothing in this section should—

(1) directly or indirectly cause a net decrease in total funds received by the Department of Transportation for Operation Lifesaver below the level that would otherwise have been received but for the enactment of this section; or

(2) affect regular first-class rates of postage or any other regular rates of postage.

(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the enactment of this section.

(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information, concerning the operation of this section, except that, at a minimum, each report shall include—

(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.

* * * * *

TITLE 39—POSTAL SERVICE

PART I—GENERAL

CHAPTER 4—GENERAL AUTHORITY

Sec.

401. General Powers of the Postal Service.

402. Delegation of authority.

403. General duties.

404. Specific powers.

405. Printing of illustrations of United States postage stamps.

406. Postal Services at Armed Forces installations.

407. International money-order exchanges.

409. Suits by and against the Postal Service.

410. Application of other laws.

411. Cooperation with other Government agencies.

412. Nondisclosure of lists of names and addresses.

413. Postal services at diplomatic posts.

[414. Special postage stamps.]

TITLE 39—POSTAL SERVICE**PART I—GENERAL****CHAPTER 4—GENERAL AUTHORITY**

Sec.

- 401. General Powers of the Postal Service.
- 402. Delegation of authority.
- 403. General duties.
- 404. Specific powers.
- 405. Printing of illustrations of United States postage stamps.
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- 411. Cooperation with other Government agencies.
- 412. Nondisclosure of lists of names and addresses.
- 413. Postal services at diplomatic posts.
- 414. *Special postage stamps for breast cancer research.*
- 414a. *Special postage stamps for highway-rail grade crossing safety.*

* * * * * *

【§ 414. Special postage stamps】

§ 414. *Special postage stamps for breast cancer research*

